

Message Text

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41

ACTION EUR-25

INFO OCT-01 IO-14 ISO-00 PM-07 CIAE-00 INR-11 NSAE-00

RSC-01 DODE-00 L-03 NSC-07 EB-11 COME-00 SIL-01 LAB-06

DRC-01 /088 W

----- 126033

R 201121Z AUG 74

FM AMEMBASSY LISBON

TO COMUSFORAZ

INFO SECSTATE WASHDC 0292

USMISSION USUN NEW YORK

MAC SCOTT AFB

21AF MCGUIRE AFB

CINCLANT

AMCONSUL PONTA DELGADA

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USUN FOR AMB. SCOTT

EO 11652: N/A

TAGS: MILI, ELAB, PO

SUBJ: LABOR NEGOTIATIONS BETWEEN USFORAZ PORTUGUESE

NATIONAL EMPLOYEES AND USFORAZ

REF: COMUSFORAZ MSG 060830Z AUG 74

1. IN RESPONSE TO QUESTIONS RAISED IN REFTEL WE ASSUME THAT AIRZONE HAS ADEQUATELY ANSWERED YOUR FIRST QUESTION. ON THE SECOND QUESTION WE BELIEVE IT WOULD BE WISER NOT TO SUGGEST A GOP REVIEW OF THE EXISTING LABOR REGULATION.

2. WE HAVE, HOWEVER, CHECKED WITH A RELIABLE LAWYER IN THE MINISTRY OF LABOR CONCERNING THE WORKER NEGOTIATIONS' CLAIM THAT THERE ARE CIRCUMSTANCES UNDER WHICH AUGMENTED BENEFITS ACHIEVED BY WORKERS IN ONE AREA ARE EXTENDED TO COVER WORKERS ELSEWHERE. THIS CONTENTION IS
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CORRECT BUT ONLY UNDER FOLLOWING CONDITIONS:

A. IF MINISTER OF LABOR ISSUES DECREE (PORTARIA) EXTENDING SUCH BENEFITS TO (1) ALL WORKERS EMPLOYED IN GIVEN ECONOMIC SECTOR OR (2) ALL WORKERS THROUGHOUT THE COUNTRY;

B. IF WORKERS IN GIVEN ECONOMIC SECTOR HAVE COLLECTIVE INDUSTRY-WIDE CONTRACT (WITH GREMIO), THEN ALL COMPANIES IN INDUSTRY ARE BOUND TO PROVIDE SAME BENEFITS.

3. IT SHOULD BE NOTED THAT BENEFIT EXTENSIONS ARE, OF COURSE, AFFECTED BY MAXIMUM LIMITATIONS CURRENTLY IMPOSED BY LAW. THAT IS, MINISTER OF LABOR WOULD NOT BE ABLE TO AUTHORIZE A BENEFIT THAT RESULTED IN LAW'S MAXIMUM LIMITATIONS BEING EXCEEDED.

4. COMMENT: SINCE YOUR LABOR REGULATION DOES NOT APPEAR TO FALL UNDER THE CONDITIONS LISTED ABOVE, IT SEEMS TO US THAT THE CLAIMS MADE BY WORKER REPRESENTATIVES IN PARA 4 OF REFTTEL ARE NOT BASED ON A CORRECT UNDERSTANDING OF PORTUGUESE LABOR MINISTRY PRACTICES.
POST

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Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: LABOR DISPUTES, NEGOTIATIONS
Control Number: n/a
Copy: SINGLE
Draft Date: 20 AUG 1974
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: boyleja
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1974LISBON03539
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Film Number: D740229-0125
From: LISBON
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1974/newtext/t19740834/aaaabcps.tel
Line Count: 83
Locator: TEXT ON-LINE, ON MICROFILM
Office: ACTION EUR
Original Classification: LIMITED OFFICIAL USE
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 2
Previous Channel Indicators:
Previous Classification: LIMITED OFFICIAL USE
Previous Handling Restrictions: n/a
Reference: COMUSFORAZ MSG 060830Z AUG 74
Review Action: RELEASED, APPROVED
Review Authority: boyleja
Review Comment: n/a
Review Content Flags:
Review Date: 31 MAY 2002
Review Event:
Review Exemptions: n/a
Review History: RELEASED <31 MAY 2002 by ifshinsr>; APPROVED <03 MAR 2003 by boyleja>
Review Markings:

Declassified/Released
US Department of State
EO Systematic Review
30 JUN 2005

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: LABOR NEGOTIATIONS BETWEEN USFORAZ PORTUGUESE NATIONAL EMPLOYEES AND USFORAZ
TAGS: MILI, ELAB, PO
To: COMUSFORAZ
Type: TE
Markings: Declassified/Released US Department of State EO Systematic Review 30 JUN 2005